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7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10

11 UNITED STATES OF AMERICA,)	No. CR-08-0034 CW
)	
12 Plaintiff,)	STIPULATION AND [PROPOSED]
)	ORDER FOR CONTINUANCE AND
13 vs.)	EXCLUSION OF TIME UNDER THE
)	SPEEDY TRIAL ACT, 18 U.S.C. 3161 ET.
14 MITCHELL CHARLES VINCENT,)	SEQ.
)	
15 Defendant.)	Current Date: June 11, 2008
)	Requested Date: June 18, 2008
16		

17 The parties in the above-captioned matter are scheduled to appear before the Court on
18 June 11, 2008. The parties stipulate and agree that the matter should be continued to June 18,
19 2008 because new defense counsel will be out of the country on the currently scheduled date. In
20 addition, because counsel recently substituted in to the case, counsel needs time to review
21 discovery, discuss the case with the defendant, and perform relevant legal research. For the
22 foregoing reasons, the parties further stipulate and agree that the ends of justice are served by the
23 continuance requested herein outweigh the best interest of the public and the defendant in a
24 speedy trial because the failure to grant the continuance would deny the counsel for the defendant

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the reasonable time necessary for effective preparation and would deny the defendant continuity of counsel, taking into account the exercise of due diligence. The parties therefore stipulate and agree that time should be excluded pursuant to 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv).

May 29, 2008
Date

/s/
Ned Smock
Assistant Federal Public Defender

May 29, 2008
Date

/s/
Wade M. Rhyne
Assistant United States Attorney

Based on the reasons provided in the stipulation of the parties above, the Court hereby FINDS that the ends of justice served by the continuance requested herein outweigh the best interest of the public and the defendant in a speedy trial because the failure to grant the continuance would deny the counsel for the defendant the reasonable time necessary for effective preparation and deny the defendant continuity of counsel, taking into account the exercise of due diligence. The Court makes this finding because new defense counsel recently substituted into the case. Defense counsel needs time to review discovery, meet with the defendant, and perform legal research.

Based on these findings, IT IS HEREBY ORDERED THAT the above-captioned matter is continued to June 18, 2008, and that time is excluded from June 11, 2008 to June 18, 2008 pursuant to 18 U.S.C. §§3161(h)(8)(A) and (B)(iv).

IT IS SO ORDERED.

Date _____

Honorable Claudia Wilken
Judge, United States District Court
Northern District of California